

Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-4683  
Fax: 571-273-0042

Paper 1

Filed: 1 September 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**PAUL T. GARDINER**

Junior Party  
(Patent 6,136,339),

v.

**CARL W. HASTINGS,  
DAVID J. BARNES, and  
CHRISTINE A. DALEY,**

Senior Party  
(Application 10/781,141).

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Patent Interference No. 105,824  
(Technology Center 1600)

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**DECLARATION - Bd.R. 203(b)<sup>1</sup>**

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s)

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 and claims designated as corresponding or as not corresponding to the count(s) appear  
2 in Parts E and F of this DECLARATION.

3 **Part B. Judge managing the interference**

4 Administrative Patent Judge Sally Gardner Lane has been designated to manage  
5 the interference. Bd. R. 104(a).

6 **Part C. Standing order**

7 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
8 DECLARATION. The STANDING ORDER applies to this interference.

9 **Part D. Initial conference call**

10 A telephone conference call to discuss the interference is set for **2:00 p.m. on 3**  
11 **November 2011** (the Board will initiate the call).

12 No later than **four business days** prior to the conference call, each party shall  
13 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;  
14 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

15 A sample schedule for taking action during the motion phase appears as Form 2  
16 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to  
17 the conference call and to agree on dates for taking action. A typical motion period  
18 lasts approximately eight (8) months. Counsel should be prepared to justify any request  
19 for a shorter or longer period.

**Part E. Identification and order of the parties**

Junior Party

Named inventors: Paul T. Gardiner, Brampton, CANADA

Involved Patent: 6,136,339, issued 24 October 2000  
from application 09/138,136, filed 21 August 1998

Title: FOOD SUPPLEMENTS AND METHODS  
COMPRISING LIPOIC ACID AND CREATINE

Assignee: lovate T. & P. Inc.

Senior Party

Named Inventors: Carl W. Hastings, Glencoe, MO;  
David J. Barnes, Wildwood, MO;  
Christine A. Daley, Columbia, IL;

Involved Application: 10/781,141 filed 18 February 2004

Title: PERFORMANCE-ENHANCING DIETARY  
SUPPLEMENT

Assignee: None of record

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.





/Sally Gardner Lane/  
Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Form PTO-850  
Copy of claims of 10/781,141

Revised 3 January 2006

cc (via overnight delivery):

Attorney for Gardiner:

DINSMORE & SHOHL  
1900 CHEMED CENTER  
255 EAST FIFTH ST  
CINCINNATI OH 45202

Attorney for Hastings:

MARSHALL, GERSTEIN & BORUN LLP  
233 SOUTH WACKER DRIVE  
6300 WILLIS TOWER  
CHICAGO IL 60606-6357